LEGISLATIVE ASSEMBLY

Eighteenth Day

Tuesday, 13th November 1951.

The Legislative Assembly met in the Assembly Hall, Old Public Offices, Bangalore, on Tuesday, 13th November 1951 at One of the Clock.

Mr. SPEAKER (the Hon'ble Sri V. Venkatappa) in the Chair.

QUESTIONS AND ANSWERS.

Mr. SPEAKER (the Hon'ble Sri V. Venkatappa).—Questions.

Removal of Constitutional Discrimination between Part A and Part B States.

Q.—4. Sri H. C. LINGA REDDY (Kolar District—General).—

Will the Government be pleased to state :—

(*a*) whether they have taken any steps so far to remove the onstitutional discrimination between Part A and Part B States ;

(*b*) if so, the result so far achieved ;

(*c*) whether the treatment given by the Central Government to the State Government is on a par with Part A States in the matter of Constitutional status and other allied matters?

A.—The Hon'ble Sri K. CHENGALARAYA REDDY (Chief Minister).—

(*a*) Yes.

(*b*) and (*c*) Please see the statement below.

STATEMENT.

In September 1950, the Government of India forwarded for information and guidance a copy of a Memorandum on the relationship betwe n the Gove nment of India and the Governments of Part B States The arrangeme ts outlined in the Memoran um were int nded *inter alia* to regulate the power of the State Legislature and the Minister's responsi ility to it, and the Memorandum itself was issu d in pursuance of the sp ci l responsibility which the Gover ment of India have for exercising general control and giving particular directions in appropriate cases under Article 371 of the Const tution. The main features of the arrangements were the appointment of (a) Regional Commissioners as (i) the agent of, and the Adviser to, the Government of India, and (ii) Adviser to the Rajpramukh ; (b) Advisers to the State Government and (c) provision for previous approval of the Government of India in respect of (i) important legislation, (ii) budgets and (iii) key appointments.

The questio of the nature and extent of the appli ability of the provisions of Article 371 of the Constitution with regard to Mysore was at once taken up for examination Steps were also taken through personal discussi n and by means of demi-official correspondence, to seek exemption from the operation of this artic e, and to get an assurance from the Government of India that this Memorandum will not apply to Myso e State. It has now been ascertain d that the p licy of the Government of India in respect of the oper tion of Article 371 rem ins the same as that clearly stated by the Hon'ble Minister for States on the fl or of the Parliament on 12th October 1949. The foll wing ext act from that statement bears on the subject :—

"It is quite obvious that in this matter the States, e.g., Mysore and Travancore-Cochin Union where democratic institutions have been functioni g for a long time and where Governments responsible to Legislature are in office are to be treated differently from the States not conforming to these st ndards. In all these cases, our control will be exercised in varying degrees according to the requirements of each case. The proviso to the article gives us the necessary discretion to deal with each case on its merits".

The position and requirements of Mysore State has been carefully considered when the article was adopted. The Government of India have accepted the fact that the State of Mysore stands on a differ nt footing from other States and early orders exempting Mysore from the operation of the article may be expected.

Sri H. C. LINGA REDDY.—In order to raise Mysore to the level of Part A States, at what stage are we at present ?

*The Hon'ble Sri K. CHENGALARAYA REDDY.—I invite the attention of the Hon'ble Member to the last sentence in the statement to the answer furnished.

"The Government of India have accepted the fact that the State of Mysore s ands on a different footing from other States a d early o ders exempting Mysore from the operation of the article may be expected."

* Asterisk indicate Speeches or other remarks have not been returned approved of the Hon'ble Member Concerned.

Sri H. C. LINGA REDDY.—Was not such an assurance given to the Mysore State even on the floor of the Constituent Assembly as long back as two years?

The Hon'ble Sri K. CHENGALARAYA REDDY.—The assurance that was given on the floor of the Parliament is stated in the answer which is just now placed on the table. The assurance was as follows:

"It is quite obvious that in this matter the States, e.g., Mysore and Travancore-Cochin Union where democratic institutions have been functioning for a long time and where Governments responsible to Legislature are in office are to be treated differently from the States not conforming to these standards. In all these cases, our control will be exercised in varying degrees according to the requirements of each case. The proviso to the article gives us the necessary discretion to deal with each case on its merits."

That was the assurance that had been given in the course of the discussions on the relevant article in the Constitution.

Sri H. C. LINGA REDDY.—After the assurance was given, were not negotiations carried on by the State Government with the Central Government for bringing our State which is a Part B State to the level of Part A States?

The Hon'ble Sri K. CHENGALARAYA REDDY.—Certainly, throughout this period the Government have been urging the Government of India to issue an order exempting Mysore from the operation of article 371.

Sri H. C. LINGA REDDY.—What is the progress made so far in that direction?

The Hon'ble Sri K. CHENGALARAYA REDDY.—It seems as though they are about to reach a conclusion on this matter. That is why it is stated in the last sentence as follows:

"..... and early orders exempting Mysore from the operation of the article may be expected."

I do not think that much more time will be taken for issue of orders in this behalf.

Sri H. C. LINGA REDDY.—In spite of the assurance given, is it not true that article 371 was applied very recently to the State?

Mr. SPEAKER.—Everybody knows that.

Sri H. C. LINGA REDDY.—Is it true that Advisers would be appointed for Part B States and if so, will they be appointed for the Mysore State also?

The Hon'ble Sri K. CHENGALARAYA REDDY.—That question has not arisen.

Janab MOHAMED HANIEF (Bangalore—Muslim).—In the statement it is stated:

"It is quite obvious that in this matter the States, e.g., Mysore and Travancore-Cochin Union where democratic institutions have been functioning for a long time and where Governments responsible to Legislature are in office are to be treated differently from the States not conforming to these standards....."

Has the Mysore State been treated differently from the other Part B States?

The Hon'ble Sri K. CHENGALARAYA REDDY.—Yes. It will be seen from the answer that there is a Memorandum on the relationship between the Government of India and the Governments of Part B States. The Memorandum stipulates several things.

"The main features of the arrangements were the appointment of (a) Regional Commissioners as (i) the agent of, and the Adviser to, the Government of India and (ii) Adviser to the Rajapramukh; (b) Advisers to the State Government and (c) provision for previous approval of the Government of India in respect of (i) important legislation, (ii) budgets and (iii) key appointments."

Regarding all these main features in the Memorandum, action has been taken with regard to certain Part B States. So far as Mysore is concerned, no action has been taken with regard to all these main features of the memorandum. And in the course of our correspondence, it has been clearly brought home to us that so far as we are concerned, we need not take notice of all these matters referred to in the Memorandum and it is not on the records that these provisions will be applied to Mysore.

Janab MOHAMED HANIEF.—Part A States are outside the purview of article 371. Part B States are within the purview of article 371 and we are to be made an exception to that article to a very large extent. Have we been made an exception with regard to that?

The Hon'ble Sri K. CHENGALARAYA REDDY.—We are expecting that. That is exactly what we have been urging the Government to do and I have already answered that I feel convinced as a result of our efforts that early orders are expected to be issued by the Government of India exempting Mysore from the operation of article 371.

Janab MOHAMED HANIEF.—Is it a matter of concession that we are seeking or are we asking as a matter of right that we should be put out of the purview of article 371?

The Hon'ble Sri K. CHENGALARAYA REDDY.—It is a just cause on our part that we are putting forward. There is no question of concession involved in it.

Janab MOHAMED HANIEF.—Does not the application of article 371 mean interfering with the day to day administration of the State?

The Hon'ble Sri K. CHENGALARAYA REDDY.—So far there have been no instances of interference with the day to day administration of the Government excepting the one about which the directive was issued recently in regard to the transfer of a case.

Janab MOHAMED HANIEF.—Does not the present case come under the heading 'day to day administration'?

The Hon'ble Sri K. CHENGALARAYA REDDY.—That is a matter of opinion.

Sri K. R. SREEKANTESWAR (Bangalore City—General).—Have this Government impressed on the Central Government the necessity also of retaining article 371 of the Constitution?

Mr. SPEAKER.—That supplementary does not arise.

Sri K. R. SREEKANTESWAR.—May I know whether the Mysore Government made use of this article 371 in connection with the retirement of one of the High Court Judges?

The Hon'ble Sri K. CHENGALARAYA REDDY.—No, no.

Sri S. RANGARAMIAH (Mysore District—General).—Has the Travancore-Cochin Union also made an attempt to get that benefit of exemption? ... ...

The Hon'ble Sri K. CHENGALARAYA REDDY.—I cannot say with regard to the Travancore-Cochin Union. I do not know what they have done and what they have not done.

SHORT NOTICE QUESTIONS AND ANSWERS.

Basis for assignment of different classes for existing roads in Mysore.

Q.—29. **Sri T. MADIAH GOWDA** (Bangalore District—General).—

Will the Government be pleased to state:

(*a*) whether it is a fact that the list classifying the roads in Mysore is printed and issued just about a week back;

(*b*) the considerations that weighed for assigning different classes for existing roads;

(*c*) the persons that were consulted in the matter;

(*d*) how many miles of I.V.C. roads and of District Board roads in Bangalore District are included in III and IV classes?

A.—**The Hon'ble Sri T. MARIAPPA** (Home Minister).—

(*a*) Printed copies were issued on 18th October 1951.

(*b*) Given in G.O No. P.W. 4262-4383—R. & B. 6-50 58, dated 8th August 1951 (copies already furnished to the Assembly).

(*c*) Sub-committee for each district consisting of the Deputy Commissioner, the President, District Board, and the Executive Engineer, was consulted by